

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

JAMES GASTON

PLAINTIFF

V.

NO. 4:08CV038-M-D

ROOSEVELT ROACH, et al.

DEFENDANTS

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

The Plaintiff, an inmate, brings this complaint *pro se* pursuant to 42 U.S.C. § 1983. The Magistrate Judge has submitted a Report dated December 15, 2008, recommending the dismissal of a Defendant.

The Report was on that date duly served by mail upon Plaintiff and Defendants at their last known addresses; that more than ten days have elapsed since service of the Report and Recommendation; and that no objection to the Report and Recommendation has been served or filed by any party. The court is of the opinion that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court.

THEREFORE, it is hereby **ORDERED** that

(1) the Report and Recommendation (docket entry 29) is **APPROVED** and **ADOPTED** as the opinion of this court;

(2) The Greenwood Police Department's motion for summary judgment (docket entry 26) is **GRANTED**; the City of Greenwood is dismissed with prejudice; and

(3) Defendants' Roach and Williams motion to dismiss (docket entry 28) is **DENIED**.

SO ORDERED, this the 11th day of March, 2009.

/s/ MICHAEL P. MILLS

CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI